

In the Matter Of:
DANITA HIGGS vs
GOLDEN TITLE LOANS
2:20-cv-02559 SHL/atc

DANITA HIGGS
March 04, 2021



We Bridge the State and Cover the Nation!

www.alphareporting.com

800-556-8974

EXHIBIT

Q

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

DANITA HIGGS,)
)
 Plaintiff,)
)
 VS.) NO. 2:20-cv-02559 SHL/atc
)
)
 GOLDEN TITLE LOANS, LLC,)
 d/b/a 745 CASH,)
)
 Defendant.)

DEPOSITION
OF
DANITA HIGGS

ALPHA REPORTING CORPORATION
236 Adams Avenue
Memphis, TN 38103
901-523-8974
www.alphareporting.com

Danita Higgs - March 04, 2021

2

1 The deposition of DANITA HIGGS is taken on
2 this, the 4th day of March 2021, on behalf of the
3 Defendant, pursuant to notice and consent of
4 counsel, beginning at approximately 1:00 p.m.
5 remotely via Zoom.

6 This deposition is taken pursuant to the
7 terms and provisions of the Federal Rules of Civil
8 Procedure.

9 All forms and formalities are waived.
10 Objections are reserved, except as to form of the
11 question, to be disposed of at or before the
12 hearing.

13 The signature of the witness is waived.
14
15
16
17
18
19
20
21
22
23
24
25

Danita Higgs - March 04, 2021

3

A P P E A R A N C E S

FOR THE PLAINTIFF:

MAX S. MORGAN, ESQ.
max.morgan@theweitzfirm.com
The Weitz Firm, LLC
1528 Walnut Street
4th Floor
Philadelphia, PA 19102
267-587-6240

FOR THE DEFENDANT:

ADAM NAHMIAS, ESQ.
adam@lnlawmemphis.com
Libby & Nahmias
5384 Poplar
Suite 410
Memphis, Tennessee 38117
901-343-0777

ALSO PRESENT:

DOUG GOLDEN, CORPORATE REP.

COURT REPORTING FIRM:

ALPHA REPORTING CORPORATION
KORIAN NEAL, RPR, CCR, LCR #402
236 Adams Avenue
Memphis, Tennessee 38103
901-523-8974
www.alphareporting.com

Danita Higgs - March 04, 2021**4**1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X

EXAMINATION INDEX

DANITA HIGGS
 BY MR. NAHMIAS 5

EXHIBIT INDEX

EXHIBIT NUMBER	DESCRIPTION	PAGE
EXHIBIT NO. 1	Deferred Presentation Services Agreement	19
EXHIBIT NO. 2	2015 File Update	22
EXHIBIT NO. 3	Deferred Presentation Services Agreement	24
EXHIBIT NO. 4	2016 File Update	27
EXHIBIT NO. 5	Complaint	37
EXHIBIT NO. 6	Plaintiff's Objections and Responses to Defendant Golden Title Loans LLC's First Request for Production of Documents to Plaintiff	76
EXHIBIT NO. 7	Phone Calls Record	77
EXHIBIT NO. 8	Tennessee Title Pledge Agreement between Golden Title Loans and Lashonda Robinson	87
EXHIBIT NO. 9	Plaintiff's Objections and Responses to Defendant, Golden Title Loans LLC's First Set of Interrogatories to Plaintiff	81
COURT REPORTER'S CERTIFICATE		103

Danita Higgs - March 04, 2021

5

1 THE REPORTER: Before we get started, I
2 just need for counsel to stipulate that I am able to
3 administer the oath to the witness via Zoom.

4 MR. NAHMIAS: Yes.

5 MR. MORGAN: Yes. Korian, before we
6 start, I see -- Adam, this wasn't noticed as a video
7 dep. Right?

8 MR. NAHMIAS: No.

9 MR. MORGAN: Okay. I see recording. Is
10 that just for the court reporter to make sure she
11 gets the record clear?

12 THE REPORTER: Yes.

13 MR. MORGAN: Yeah. It's not going to be
14 distributed. Correct?

15 THE REPORTER: Right. There is no video.

16 MR. NAHMIAS: It's recording audio.

17 THE REPORTER: Yes. The office is doing
18 that. Yes.

19 DANITA HIGGS,
20 having been first duly sworn, was examined and
21 testified as follows:

22 EXAMINATION

23 BY MR. NAHMIAS:

24 Q. Good afternoon, Ms. Higgs. My name is
25 Adam Nahmias. I represent Golden Title Loans LLC.

1 and uh-huh. Okay?

2 A. Sure.

3 Q. State your name again for the record,
4 please.

5 A. Danita Rochelle Higgs.

6 Q. What's your date of birth?

7 A. [REDACTED] 1960.

8 Q. And this is a question that I have to ask
9 everybody no matter what in depositions. No
10 offense. Are you under the influence of any
11 substances that would affect your ability to
12 remember or testify accurately today?

13 A. No, I'm not.

14 Q. Okay. Have you ever been arrested?

15 A. No, I haven't.

16 Q. Okay. Have you ever served in the
17 military?

18 A. Yes, I have.

19 Q. When?

20 A. 1988.

21 Q. Just that one year?

22 A. Yes. Through '89.

23 THE REPORTER: I'm sorry?

24 THE WITNESS: Through -- from 1988 through
25 1989, for one year.

Danita Higgs - March 04, 2021

43

1 Q. Okay.

2 A. And the first -- yeah. The other one was
3 someone else.

4 Q. And you don't remember the manager's name?

5 A. No, I don't.

6 Q. What did the manager say when you spoke to
7 him or her?

8 A. Her. What did she say?

9 Q. Yeah.

10 A. She just asked me when would I be able to
11 pay the loan.

12 Q. Okay. And in Paragraph 18, you say,
13 following these requests, you contacted 745 Cash and
14 attempted to repay the payday loan in full. Did I
15 read that correctly?

16 A. That's correct.

17 Q. Okay. And is that an accurate statement?

18 A. It is.

19 Q. Okay. And it goes on to say that 745 Cash
20 notified Ms. Higgs that it had turned her account
21 over to a third party collection agency, Sullivan
22 and Associates, LLC, and could no longer accept
23 payment for the payday loan from Ms. Higgs.

24 Did I read that correctly?

25 A. That's correct.

Danita Higgs - March 04, 2021

52

1 Q. What did you mean by even if she had?

2 A. Even if -- what I'm -- what my -- I guess
3 the understanding for 23 and 24 is that even though
4 I had given them consent to call me about the debt,
5 my -- my statement to my attorney is even though I
6 gave them consent to call me for the debt, I no
7 longer owed the debt. So the consent was null and
8 void.

9 Q. Okay. And that's the position you're
10 taking. Correct?

11 A. Yes.

12 Q. Okay. So when did you ask 745 Cash on
13 several occasions to stop calling or words to that
14 effect?

15 A. I don't remember the exact date but
16 several times. Several times, I did. I called.
17 Which you -- I'm sure you have the evidence where I
18 called in and requested that I be taken off the call
19 because I no longer owed the debt.

20 Q. And is it accurate, Ms. Higgs, to say that
21 would have taken place after 4/29/19? Fair?

22 A. Yes.

23 Q. Okay. Cool. Okay. Do you know who you
24 spoke to when you called and asked them to stop
25 calling you?

Danita Higgs - March 04, 2021**58**

1 A. I remember when I first talked to them
2 about it, I told them that I had to make sure that I
3 had clarity, which I did have, on me paying them
4 because I don't agree with paying third party
5 collection agencies. And so I -- but I told her
6 that I was instructed to pay her.

7 Q. But you knew when you paid off Sullivan
8 that you were paying off a debt that was originally
9 owed to 745 Cash. Is there any question about that?

10 A. No question.

11 Q. In other words, you knew when you paid off
12 Sullivan, that, in effect, that was paying off a
13 debt from Golden Title Loans. Correct?

14 A. Yes.

15 Q. And 27 mentions where you took the payoff
16 letter to the Getwell location. Is that correct?

17 A. That's correct.

18 Q. Who did you give the payoff letter to?

19 A. The manager that was there.

20 Q. And who was that?

21 A. Her name was Pamela. I can't remember her
22 last name.

23 Q. White? Black? Male? Female? Give me --

24 A. Black -- black female. She said she had
25 just started there.

Danita Higgs - March 04, 2021

59

1 Q. Do you know if that was Tammy Glasper, by
2 any chance, Tammy?

3 A. I don't think it was Tammy.

4 Q. Okay.

5 A. It may have been Tammy, but I do -- I
6 think her name was Pam.

7 Q. Okay. That's fine. I don't want you to
8 guess.

9 And you gave them the letter and you said
10 stop calling. Correct?

11 A. Correct.

12 Q. Okay. And it says that the representative
13 made a copy of the letter and stated it would be
14 placed in Ms. Higgs's file. Is that correct?

15 A. Correct.

16 Q. Did you see her make a copy?

17 A. I saw her walk over -- well, I saw her
18 walk back to her office. I had no idea where she
19 was going.

20 Q. Gotcha. It says, "This same
21 representative also called the district manager and
22 informed the district manager of Ms. Higgs's demand
23 that all future calls cease."

24 Did I read that correctly?

25 A. That's correct.

Danita Higgs - March 04, 2021

60

1 Q. How do you know -- were you standing there
2 while she called the district manager?

3 A. Standing right beside her.

4 Q. How do you know what the person on the
5 other side -- how do you know who they were or what
6 they said?

7 A. Because the manager at 745 Cash told me
8 that she was calling her district manager in order
9 to find out how to handle this.

10 Q. I gotcha. I gotcha. So Paragraph 29 is
11 memorializing what the representative told you they
12 were going to do. Fair?

13 A. Fair.

14 Q. Okay. And it looks like in Paragraph 31,
15 "Subsequently, on two separate occasions, Ms. Higgs
16 contacted the 745 Cash corporate office directly to
17 demand that the calls stop."

18 Did I read that correctly?

19 A. That's true.

20 Q. Tell me, if you recall, or if you know,
21 what was the time frame between Paragraph 29, when
22 the representative was calling the manager, and then
23 you contacting the corporate office directly? Do
24 you understand my question?

25 MR. MORGAN: Object to the form.

Danita Higgs - March 04, 2021

61

1 A. Yes. I understand it. But I don't know.

2 Because I was so upset and frustrated and irritated

3 by all of this, I don't remember the time.

4 BY MR. NAHMIAS:

5 Q. I didn't catch that, Ms. Higgs. I

6 apologize. Say it one more time.

7 A. I said that I was so frustrated at the

8 time just having to deal with all of this, I can't

9 remember what time. I mean, a year could have

10 lapsed. I don't know .

11 Q. Well, I'm just trying to figure out. You

12 say the 745 Cash corporate office directly. Did I

13 read that correctly?

14 A. That's correct.

15 Q. So that's not the same thing as the

16 Getwell location. Correct?

17 A. No, it's not.

18 Q. It's different. Right?

19 A. That's different.

20 Q. All right. So how did you contact the

21 corporate office? Was it a phone call?

22 A. A phone call.

23 Q. Do you know who you spoke to?

24 A. Don't remember her name.

25 Q. Okay. Was it a female?

Danita Higgs - March 04, 2021

69

1 to store or produce telephone numbers to be called
2 using a random or sequential phone number -- or
3 number generator. Excuse me.

4 Did I read that correctly?

5 A. Yes, you did.

6 Q. How did you -- how do you know that?

7 MR. MORGAN: Object to the form.

8 A. My attorney knows that.

9 BY MR. NAHMIAS:

10 Q. So you don't know it, but your attorney
11 does?

12 A. I know it because my attorney explained it
13 to me.

14 MR. MORGAN: Adam, I'm going to object to,
15 you know, the line of questioning on, you know,
16 legal terminology and, you know, allegations made in
17 the complaint that are more on the law side of
18 things and not the factual side of things.

19 BY MR. NAHMIAS:

20 Q. I just want to direct your attention to
21 Paragraph 46. Do you see that?

22 A. Yes, I do.

23 Q. And you say that you suffered concrete
24 harm as a result of 745 Cash's telephone calls,
25 including, but not limited to, tying up her

Danita Higgs - March 04, 2021

70

1 telephone line with unsolicited calls, completely
2 filling her voice mail and rendering it unusable,
3 lost time tending to the unwanted calls, responding
4 to 745 Cash's unlawful conduct and the invasion of
5 privacy by calling -- by calls continuing after she
6 asked 745 Cash to stop calling and nuisance.

7 Did I read that correctly?

8 A. Yes, you did.

9 Q. How often was your telephone line -- and
10 by the way, this is your cell phone. Correct?

11 A. Correct.

12 Q. Not your business call -- business line,
13 is it?

14 A. No. Not my business.

15 Q. You have a separate number for DH
16 Janitorial. Right?

17 A. Yes, I do.

18 Q. Okay. So your business line was not tied
19 up with these calls, was it?

20 A. No, it wasn't.

21 Q. And when you say tying up your telephone,
22 what does that mean? That means --

23 A. That --

24 Q. Were you -- did you ever -- let ask it
25 this way. I apologize.

Danita Higgs - March 04, 2021

71

1 Did you ever not get a call? Did you ever
2 not receive a call because you were receiving
3 unsolicited calls from 745 Cash?

4 MR. MORGAN: Object to the form.

5 A. Did I ever not get a call?

6 BY MR. NAHMIAS:

7 Q. How about this: Do you have call waiting
8 on your phone?

9 A. Yes, I do.

10 Q. So like if I call you and then Max calls
11 you, you can see that Max is calling and put me on
12 hold. Correct?

13 MR. MORGAN: Object to the form.

14 A. Yes, I can unless you guys call at the
15 same time. Then one call bumps the other and I
16 don't see it.

17 BY MR. NAHMIAS:

18 Q. But how -- do you know how often your line
19 was tied up because of these calls that were made
20 that are the subject of your complaint?

21 A. I don't have a number, but it was, I'm
22 sure, multiple times.

23 Q. More than five?

24 A. More than five.

25 Q. More than ten?

Danita Higgs - March 04, 2021

72

1 A. More than ten.

2 Q. More than 20?

3 A. More than 20.

4 Q. So you're saying your phone was tied up
5 with these calls -- what does that mean, tied up,
6 tying up her telephone? What do you mean by that?

7 A. What I mean is the -- I had -- I had --
8 during the time, there was -- there would be -- I
9 had business calls to come through -- that comes to
10 me, other calls that comes to me.

11 So if I'm trying to handle something, then
12 745 Cash number constantly, constantly, constantly
13 dialing my line and interrupts -- their calls were
14 interrupting me. I would have to put one call on
15 hold, answer that call to make sure. Because I
16 didn't always look at my phone to see if it was the
17 745-22 number.

18 It was just tying up my phone. I mean, it
19 was interrupting me.

20 Q. Now, I was going to ask you, were all
21 the -- all the calls that are the subject of this
22 lawsuit were from this number there. Right?

23 A. Exactly.

24 Q. So as you sit here, it's your testimony
25 that every time you saw that number pop on your cell

Danita Higgs - March 04, 2021

89

1 A. Did I tell them that I had a loan there?

2 Q. Did you ever tell any of these three
3 ladies that you had procured loans or obtained loans
4 from Golden Title Loans or 745 Cash?

5 A. Yes. As far as me referring them to
6 there, yes.

7 Q. That's what I was going to ask you. In
8 fact, you referred all three of these ladies to
9 Golden Title, didn't you?

10 A. Now, I don't remember Erica Whitfield.
11 Honestly, I don't remember if I ever told her. But
12 I do know Lashonda and Denee, I did refer those two.

13 Q. Okay. And when you look at this pledge
14 agreement that's in Lashonda's name and purports to
15 be Lashonda's signature, you see that the home phone
16 and work phone, do you see that number?

17 A. Yes. Let me get my magnifying glass.

18 Q. I'm sorry, ma'am. Say that again.

19 A. No. I had to get my magnifying glass in
20 order to see it. But yes, I see it.

21 Q. Hang on. Hang on. I'm sitting here
22 looking -- I could have done this the whole time.
23 I'm an idiot. Look at that.

24 A. Oh, great. Yeah. I see it.

25 Q. And that's your cell number, isn't it?

Danita Higgs - March 04, 2021

90

1 A. Yeah, it is.

2 Q. Did you give her permission to use that
3 number in this -- in connection with this document?

4 A. Oh, no, sir.

5 Q. Did you give her the authority to use it?

6 A. No, sir.

7 Q. But you would agree that it certainly
8 appears that she's representing that 864-055 -- or
9 864-5560 is her home number and work number. Would
10 you agree with that, that that's what this document
11 says?

12 MR. MORGAN: Object to the form.

13 A. That's what the document says.

14 BY MR. NAHMIAS:

15 Q. Okay. Did you ever see her handwriting?

16 A. No, I haven't.

17 Q. Okay. So you wouldn't know if that's her
18 signature or not, would you?

19 A. No, sir, I wouldn't.

20 Q. Now, I'll ask you the same thing. On
21 these pages comprising Exhibit 9 -- or Exhibit 8.
22 Sorry. There's signatures. But you don't know if
23 that's her or not, do you?

24 A. No, I don't.

25 Q. Did she ever tell you she got a loan from

Danita Higgs - March 04, 2021**103**

1 C E R T I F I C A T E

2 STATE OF TENNESSEE)

))

3 COUNTY OF SHELBY)

4

5 I, Korian Neal, LCR #402, RPR, CCR, Licensed
 6 Court Reporter and Notary Public, in and for the
 7 State of Tennessee, do hereby certify that the above
 8 1 was reported by me, and the transcript is a true
 9 and accurate record to the best of my knowledge,
 10 skills, and ability.

11 I further certify that I am not related to
 12 nor an employee of counsel or any of the parties to
 13 the action, nor am I in any way financially
 14 interested in the outcome of this case.

10

11 I further certify that I am duly licensed by
 12 the Tennessee Board of Court Reporting as a Licensed
 13 Court Reporter as evidenced by the LCR number and
 14 expiration date following my name below.

15 I further certify that this transcript is
 16 the work product of this court reporting agency and
 17 any unauthorized reproduction and/or transfer of it
 18 will be in violation of Tennessee Code Annotated
 19 39-14-104, Theft of Services.

20 IN WITNESS WHEREOF, I have hereunto set my
 21 hand and affixed my notarial seal this 22nd day of
 22 March 2021.

18

19

20


21

22

23

24

25


 Korian Neal, RPR, CCR, LCR #402
 Expiration Date 06-30-2022
 Notary Public Commission Expires
 04-30-2022